

AMENDED IN SENATE AUGUST 24, 2015

AMENDED IN ASSEMBLY MAY 28, 2015

AMENDED IN ASSEMBLY MAY 4, 2015

AMENDED IN ASSEMBLY APRIL 13, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 496

Introduced by Assembly Member Rendon

February 23, 2015

An act to amend Section 38086 of the Education Code, relating to pupil nutrition.

LEGISLATIVE COUNSEL'S DIGEST

AB 496, as amended, Rendon. Pupil nutrition: fresh drinking water: funding.

Existing law requires a school district to provide access to free, fresh drinking water during meal times in the food service areas of the schools under its jurisdiction, unless the governing board of the school district adopts a resolution stating that it is unable to comply with that requirement, as specified.

This bill would authorize the State Department of Education to receive funds transferred from available state and federal sources, to be allocated to school districts for purposes of complying with the requirement for providing access to drinking water specified above, and would require the department to consult with the ~~State Water Resources Control Board's Division of Drinking Water Programs~~ *specified state agencies, including the State Water Resources Control Board*, to identify available sources of funding for school water quality and infrastructure and to

post that information on the department's Internet Web site. The bill would authorize school districts to use these funds for water quality ~~projects~~ *projects*, including, but not limited to, water treatment, water facilities restructuring, water filling stations, and maintenance of water ~~facilities~~. *facilities, subject to all laws, guidelines, policies, and criteria applicable to the funds.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) Recent studies show that unsafe drinking water plagues
4 school water systems at a startling rate.

5 (2) Some schools have sealed pipes and turned off drinking
6 fountains due to lead piping and other water system contaminants.

7 (3) Limited funding and a growing list of needs to rebuild school
8 infrastructure causes the need for clean drinking water to fall by
9 the wayside.

10 (4) Schools need a one-stop shop where information and funding
11 is available for clean drinking water programs.

12 (b) It is the intent of the Legislature to build public confidence
13 in our state's water systems, and to ensure that schools serving our
14 children have clean water available to pupils at all times.

15 SEC. 2. Section 38086 of the Education Code is amended to
16 read:

17 38086. (a) Except as provided in subdivision (b), a school
18 district shall provide access to free, fresh drinking water during
19 meal times in the food service areas of the schools under its
20 jurisdiction, including, but not necessarily limited to, areas where
21 reimbursable meals under the National School Lunch Program or
22 the federal School Breakfast Program are served or consumed. A
23 school district may comply with this section by, among other
24 means, providing cups and containers of water or soliciting or
25 receiving donated bottled water.

26 (b) The governing board of a school district may adopt a
27 resolution stating that it is unable to comply with the requirements
28 of this section and demonstrating the reasons why it is unable to
29 comply due to fiscal constraints or health and safety concerns. The

1 resolution shall be publicly noticed on at least two consecutive
2 meeting agendas, first as an information item and second as an
3 action item, and approved by at least a majority of the governing
4 board of the school district.

5 (c) The department may receive funds transferred from any
6 available state and federal source, to be allocated by the department
7 to school districts for the purpose of complying with the
8 requirements of this section.

9 (d) ~~School~~ *Subject to all laws, guidelines, policies, and criteria*
10 *applicable to the funds*, school districts may use funds received
11 pursuant to subdivision (c) for water quality projects, including,
12 but not limited to, water treatment, water facilities restructuring,
13 water filling stations, and maintenance of water facilities.

14 (e) The department shall do both of the following:

15 (1) Consult with the *State Department of Public Health, the*
16 *Department of Water Resources, and the State Water Resources*
17 ~~Control Board's Division of Drinking Water Programs Board~~ to
18 identify available sources of funding, including, but not limited
19 to, funding from Proposition 1, approved by the voters at the
20 November 4, 2014, statewide general election, funds for safe
21 drinking water programs administered by the department, the State
22 Department of Public Health, the Department of Water Resources,
23 and the State Water Resources Control Board, other state funding,
24 and federal funding available to fund school water quality and
25 infrastructure.

26 (2) Post the information collected pursuant to paragraph (1) on
27 the department's Internet Web site.

28 (f) *Nothing in this section affects criteria established by the*
29 *State Water Resources Control Board for funds and funding*
30 *programs administered by the State Water Resources Control*
31 *Board.*